

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MIXING & MASS TRANSFER TECHNOLOGIES, LLC,)	
)	Civil Action No.
Plaintiff,)	1:19-cv-00529-MN
)	
v.)	
)	
SPX CORPORATION, et al.,)	
Defendants.)	
)	

**PLAINTIFF’S MOTION FOR LEAVE TO FILE SUR-REPLY BRIEF IN
OPPOSITION TO DEFENDANTS’ MOTION FOR ATTORNEYS’ FEES**

Plaintiff Mixing & Mass Transfer Technologies, LLC (“Plaintiff”) respectfully requests the Court for leave to file a Sur-Reply Brief in Opposition to Defendant’s Motion for Attorneys’ Fees, in the form attached hereto as Exhibit A, to address several cases that Defendants cited for the first time in their Reply Brief, which cases could and should have been included in a full and fair opening brief, and to correct Defendants’ misstatement of the holdings, legal effect and applicability of Defendants’ cases, including the Supreme Court decision in *CRST Van Expedited, Inc. v. EEOC*, 136 S. Ct. 1642 (2016), on the controlling legal authority cited in Plaintiff’s Answering Brief to Defendants’ pending motion. *See* D. Del. LR 7.1.3(c)(2).

Pursuant to D. Del. LR 7.1.1, Plaintiff’s counsel avers that a reasonable effort has been made to reach agreement with the opposing party on the matters set forth in the motion.

Now, therefore, Plaintiff requests the Court to grant this motion and enter the order attached hereto directing the Clerk to enter of the docket of this action Plaintiffs’ attached Sur-Reply Brief.

Respectfully submitted,

Dated: March 12, 2020

s/ Stacey A. Scrivani

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CERTIFICATE OF SERVICE

I, Stacey A. Scrivani, Esquire, certify that on this date, I served a true and correct copy of Plaintiff's Motion for Leave to File Sur-Reply Brief in Opposition to Defendants' Motion for Attorneys' Fees on Defendants through their below counsel through the Court's ECF system and by electronic mail.

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